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February 11, 2008

**BY HAND**

The Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 615  
New York, New York 10007-1312

Re: *Schiller v. The City of New York*, 04 CV 7922 (RJS)(JCF)  
*Dinler v. The City of New York*, 04 CV 7921 (RJS)(JCF)

Dear Judge Sullivan:

Defendants respectfully request permission to file the enclosed reply in further support of their objections to Magistrate Francis' Order dated January 22, 2008. A reply is necessary to address issues raised and mischaracterizations made in plaintiffs' opposition which we have not had an opportunity to address. For example, plaintiffs erroneously claim that defendants abandoned arguments on this appeal and mischaracterize the record in this dispute. Furthermore, plaintiffs submit additional evidence and legal argument that were not part of the record before Magistrate Judge Francis. A reply is necessary to address these points raised in plaintiffs' opposition.

Finally, we note that while Your Honor's briefing schedule did not set a date for a reply by defendants, we are submitting this request, along with our reply, within one business day of receiving plaintiffs' opposition (which was served after we left the office on Friday night).

Should Your Honor grant permission, defendants' reply is attached.

Respectfully submitted,

Tonya Jenerette, Esq.

Defendants may file the  
proposed reply brief  
forthwith

SO ORDERED

Date:

2/13/08

RICHARD J. SULLIVAN  
U.S.D.J.